IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3728 OF 2006.

1. Sau. Vaishali Arjun Jejure
2. Bhagwat Ramji Kedare ... Applicants

V/s

State of Maharashtra .. Respondent.

Shri B.D. Joshi for the applicants

Mr. S.S. Pednekar,APP for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 17TH OCTOBER, 2006.

P.C.

. The applicants apprehends arrest in connection with C.R. No.3071/2006 registered with Manmad City Police Station. The offences alleged are under the Essential Commodities Act and Indian Explosive Act.

2. The prosecution case is that the applicants had illegally stored about 167 Gas Cylinders in as much as the petitioner No.1 claimed to have to be appointed as a dealer of M/s S.G. Appliances. The applicant No.2 is the employee of the firm Gaurav Gas Agency.

3. The case of the prosecution is that in the shop premises the raid was conducted and 167 Gas Cylinders

were seized 166 gas cylinders were empty and one cylinder was found containing gas. There is a shortage of cooking gas cylinders in the City of Manmad. Based upon the consumer complaint the raid was conducted.

4. The applicants applied for anticipatory bail and contended that firstly, the applicants are not appointed as dealers by any Public Sector Corporation but a private entity. The said Private entity is not claiming any subsidy from the Government. Secondly, the business of the applicants was closed down long back on account of poor response and that is how 166 empty Cylinders were detected. There is no question of the applicants otherwise engaging themselves in the business because even at the time of the raid, gas cylinders were not found. It is nobody’s case that empty gas cylinders were being refilled in the said premises. They were found in empty state. The complaint has been registered on account of some other consideration and is not bonafide.

5. The trial Court has rejected the application only on the ground that the custodial interrogation is necessary to find out from where the cylinders are

brought and whether any records and documents are maintained in that behalf. The Trial Court enlarged the applicant No.1's husband on bail but rejected the application of the applicants before it.

6. I have perused the statement which was recorded while registering the FIR. From a perusal of the statement of the Assistant Police Inspector, Manmad city Police station and the application before me, I am of the opinion that the offence being such, custodial interrogation is not necessary. The applicants are willing to attend the police station as and when summoned and so also give clarification and copies of the documents available in their records. Now that business has been stopped and the applicants are not being appointed as agents by M/S. S.G. Appliances or otherwise, they deserve to be enlarged on bail in the event of their arrest. Hence, the following order.

i) In the event of the arrest of the applicant in connection with C.R. No.3071/2006 registered with Manmad City Police Station, the applicants shall be enlarged on bail in the sum of Rs. 5000/- each with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicants shall report to the Manmad City police station as and when summoned.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. The applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter, they will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)